

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

John Doe,

Plaintiff,

v.

Metropolitan Government of Nashville and  
Davidson County,

Defendant.

Civil Action No. \_\_\_\_\_

Judge:

Magistrate Judge:

**PLAINTIFF’S MOTION TO PROCEED PSEUDONYMOUSLY**

Plaintiff John Doe (“Movant”) hereby moves the Court for permission to proceed in this action under the pseudonym “John Doe.” In support of this motion, Movant relies on the supporting memorandum filed herewith and states as follows.

1. Courts “may excuse plaintiffs from identifying themselves in certain circumstances” where “a plaintiff’s privacy interests substantially outweigh the presumption of open judicial proceedings.” *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004).

2. Rule 26(c) of the Federal Rules of Civil Procedure authorizes the Court to “make any order which justice requires to protect the party or person from annoyance, embarrassment, oppression, or undue burden or expense” upon motion of a party.

3. To protect an HIV positive individuals’ privacy and safety and avoid exposure to discrimination and harassment, it is common for courts to allow HIV positive individuals to proceed under pseudonyms. *See, e.g., Roe v. City of New York*, 151 F. Supp. 2d 495, 510 (S.D.N.Y. 2001).

4. Movant's privacy interests substantially outweigh the presumption of open judicial proceedings because Movant's HIV identity exposes him and his family to significant risks of harm.

5. Under Local Rule 7.01(a), briefing should be concluded within twenty-one days after service of the summons and complaint, unless otherwise ordered by the Court.

6. Counsel for Movant has conferred with counsel for the Defendant regarding this motion, and Defendant does not oppose this motion to proceed under pseudonym.

7. A proposed order granting this motion is attached as **Exhibit 1**.

For these reasons, Movant requests the Court to:

(1) Enter an order (a) permitting Movant to proceed in this action under the pseudonym "John Doe," (b) barring the disclosure of Movant's true name or other information that identifies Movant directly or indirectly, and (c) requiring that any documents containing such information be redacted or filed under seal; and

(2) grant any other necessary or proper relief.

Dated: July 21, 2023

Respectfully submitted,

/s/John T. Winemiller

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*\*pro hac vice* motions forthcoming

\*\*admission pending (swearing in scheduled for July 24, 2023)

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2023, this motion will be served concurrently with the service of the Summons and Complaint in this matter.

/s/John T. Winemiller

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